

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STANLEY RIMER,

Plaintiff(s),

v.

BRIAN SANDOVAL, et al.,

Defendant(s).

Case No. 2:13-CV-1440 JCM (GWF)

ORDER

Presently before the court is plaintiff's motion for an extension of time to respond to defendants' motion for summary judgment. (Doc. #116). Defendants have filed a response stating that they "take no position on Plaintiff's request for an extension of time." (Doc. # 118 at 4).

Also before the court is plaintiff's motion for leave to file a response in excess of 30 pages to defendants' motion for summary judgment. (Doc. # 116). Defendants have filed a response in opposition. (Doc. # 118).

Also before the court are two additional motions filed by plaintiff for enlargement of time to file an opposition to defendants' motion for summary judgment. (Docs. # 96, 119). Defendants have not filed a response to either of these motions.

A. Motion for extension of time

In his motion, plaintiff requests an additional 45 days to research, draft, and submit a new opposition to defendants' motion for summary judgment. (Doc. # 116 at 3). On July 28, 2015, this court previously provided plaintiff with an additional 30 days to file a response. (Doc. # 102). The court will afford plaintiff an additional 30 days from the date of this order to file a response to defendants' motion for summary judgment.

1 As this court has provided plaintiff with a 30-day extension to file his response to
2 defendant's motion for summary judgment, plaintiff's additional motions for enlargement of time
3 (docs. # 96, 119), are denied as moot.

4 **B. Motion to exceed page limit**

5 Local rule 7-4 limits response briefs to 30 pages unless otherwise ordered by the court.
6 Plaintiff argues that a forty- to fifty-page opposition is necessary in order to adequately address all
7 factual and legal arguments relevant to defendants' summary judgment motion. (Doc. # 116 at 3).
8 Defendants respond that the motion for summary judgment at issue was only 13 pages in length
9 and addressed arguments regarding exhaustion, the merits of plaintiff's claims, and qualified
10 immunity, and stated that there is no persuasive reason why plaintiff "cannot fairly respond to the
11 motion" in 30 pages as required by local rule 7-4. (Doc. # 118 at 3-4). This court has previously
12 ordered plaintiff to file a response that complies with the page limit provided by the local rules.
13 (Doc. # 102). After reviewing the briefs in this matter, the court finds no good cause to grant
14 plaintiff's request.

15 Without waiting for a ruling on this matter, plaintiff recently filed his response to
16 defendants' motion to dismiss. (Doc. # 122). Plaintiff's response was in excess of 100 pages
17 despite this court's earlier order that plaintiff must adhere to the 30 page limit. The court may act
18 on its own and "strike from a pleading an insufficient defense or any redundant, immaterial,
19 impertinent, or scandalous matter." FED. R. CIV. P. 12(f)(1). Additionally, district courts have
20 inherent power to control their own dockets, including the power to strike items from the docket.
21 *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010). As plaintiff's response
22 (doc. # 122) exceeds the 30 page limit required by local rule 7-4, the court hereby strikes this
23 document from the record.

24 Accordingly,

25 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion for an
26 extension of time to file his opposition to defendants' motion for summary judgment, (doc. # 116),
27 be, and the same hereby is, GRANTED, consistent with the foregoing.

1 IT IS FURTHER ORDERED that plaintiff's motion for enlargement of time (doc. # 96)
2 be, and the same hereby is, DENIED as moot.

3 IT IS FURTHER ORDERED that plaintiff's second motion for enlargement of time (doc.
4 # 119) be, and the same hereby is, DENIED as moot.

5 IT IS FURTHER ORDERED that plaintiffs' motion for leave to file excess pages, (doc. #
6 116), be, and the same hereby is, DENIED.

7 IT IS FURTHER ORDERED that plaintiff's response, (doc. # 122), be, and the same
8 hereby is, STRICKEN from the record.

9 IT IS FURTHER ORDERED that plaintiff shall have 30 days from the date of this order
10 to file a response to defendants' motion for summary judgment that complies with the page limit
11 provided by the local rules. Defendants shall have 14 days from the date of filing of plaintiff's
12 response to file a reply.

13 DATED October 9, 2015.

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15 UNITED STATES DISTRICT JUDGE
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